

Remarks

In the subject Action, the Examiner rejected claims 11-12 under 35 U.S.C. 102(a,b) as being anticipated by the cited patent to Rodgers. Applicants respectfully traverse this rejection and request reconsideration in view of the above amendments and the reasons set forth below.

Claim 11 has been amended to emphasize that the cranks are automatically adjusted at least once per revolution. Applicant respectfully submits that the cited Rodgers patent does not teach or suggest automatic adjustment of the crank diameter.

Claim 12 has been amended to emphasize that adjustments to the crank diameter are made while a person is standing on the foot supporting links and the cranks are rotating, and without assistance from another person. Applicant respectfully submits that the cited Rodgers patent does not teach or suggest how such a method could be performed.

Applicants have added claim 13 to alternatively recite the subject invention in terms of configuring the machine to automatically adjust a crank diameter defined between the cranks as a function of rotational velocity of the cranks when the machine is in use. Applicant respectfully submits that the cited Rodgers patent does not teach or suggest any such method for automatic adjustment of a crank diameter.


Next, the Examiner rejected claims 11-12 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Pat. No. 6,053,847. Applicants

respectfully traverse this rejection and request reconsideration in view of the fact that the '847 patent does not show or claim adjustable crank machines.

Next, the Examiner rejected claims 11-12 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Pat. No. 6,338,698. Applicants wish to postpone the filing of a Terminal Disclaimer pending resolution of the other rejections.

Having addressed the issues raised in the subject Action, Applicants respectfully request reconsideration and allowance of the subject application. Should any issues remain unresolved, the Examiner is always welcome to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



Mark A. Krull
Reg. No. 34,205

(541) 385-0383